

WILL OF SIR HENRY WARNER, KT., OF WAMHILL HALL, MILDENHALL.

[READ DECEMBER 11TH, 1851.]

THE earliest notice that I have met with of the Manor or lands now known as the Wamhill estate, Mildenhall, is in a roll of accounts, of the 12th year of Richard the Second, in the possession of Sir Henry E. Bunbury, Bart., kept by John Kelfynch, steward at Mildenhall for the Cellarer of Bury Abbey, in whom the manor of Mildenhall was vested. It is there, as in most subsequent documents, called Twamhill; and appears to have been leased in small parcels. The steward accounts for "7s. received for one acre of land in Twamhelfeld, late of Robert Bernard, 3a. of land there of the same tenement, 1a. 1r. of land there of the tenement Heywardes....and for 3s. for 1a. 2r. of the tenement Rewes abutting upon the barn late of Robert Bernard....let for the term of ten years....and for 4s. 6d. for 1a. 1r. of land, Malotes, in two pieces, in Twamhylfeld." There are many similar entries.

In the reign of King Henry the Sixth, Twamhill was in the possession of the Popes, a gentle family at Mildenhall as early as the reign of Henry the Fourth.* The estate afterwards passed, probably by purchase, into the hands of the Warners, a branch of the Whetenhales of Cheshire, who took the name of Warner in 1374, on succeeding by will to the estates of John Warner, Esq., of Besthorpe, in the county of Norfolk. The first of the family who resided at Mildenhall was Sir Edward Warner, one of the early adherents of the Princess Elizabeth, with whom he suffered imprisonment in the Tower of London. On his royal mistress coming to the throne, he was rewarded for his fidelity by the honourable appointment of Lieutenant of the very

* In 1464, Wm. Chapman by his will left to his wife "quadraginta acras terre" adjacent to the way called Grenewey and

in Mündys furlong, and in Wamel furlong and in Westyndiche.—*Reg. of Wills, at Bury.*

place that had witnessed his sufferings for her cause. Sir Edward removed from Mildenhall to Plumstede, in the county of Norfolk, in 1560, on his marriage with the rich widow of Thomas Hobart, Esq., of that place; but lived only a few years to enjoy his new abode. Dying in 1565, his brother Robert succeeded as heir. This Robert according to some accounts appears to have also enjoyed the honor of knighthood; but in an early pedigree in the Herald's College he is styled "esquire" at his death, which took place in 1575, leaving as his heir, a son Henry. Whether the Twamhill property was purchased by either of these knights, or by Henry Warner, is not clear; but it is evident from the inquisition taken on the death of the latter that he purchased several estates or parcels of land in Mildenhall from the Popes, the Cottons, and the Veseys. To this Henry Warner is assigned the erection of the mansion or hall which still exhibits several features of the style of that period. He also bought the great tithes and advowson of the vicarage of Sir Francis Gawdy, Kt., and strengthened the existing alliance between the families of Warner and Wingfield by a marriage with Mary, daughter of Sir Robert Wingfield, of Letheringham. This lady died on the 9th of November, 1601, and was buried in the chancel of Mildenhall church, where is a gravestone to her memory. In 1603, on the 23d of July, on the occasion, or just before, the coronation of King James the First, the owner of Wamhill received the honor of knighthood at Whitehall: and it would appear from the terms of his will, in which he speaks of his "first wife," that he must have married again; but it is unknown who was the object of his second choice.

Sir Henry Warner, by his will, dated the 1st of June, 1616, directed his body to be buried in the chancel at Mildenhall, near unto his first wife, and devised to his eldest son Edward a life interest in all his estates; but as his son was a young man of dissolute habits, provision it will be seen was carefully made, to check his inclination for gaming. For the following copy of his will, preserved in the Prerogative Court of Canterbury, I am indebted to the kindness of F. Wing, Esq., of Bury St. Edmund's.

In the name of God amen. I, S^r Henry Warner, of Mildenhall, in the county of Suffolk, Knight, being of perfect and good memory, thanks be given to God, do make this my last will and testament, knowing myself to be mortal, and I do utterly renounce all other; and first I do bequeath my soul to Almighty God, and to his Son Jesus Christ, by whose death and passion I do verily believe to be saved. Item: I will that my body be buried in the chancel at Mildenhall, near unto my first wife, with as little charge as may be conveniently. Item: I give unto the poor in Mildenhall ten pounds, to be distributed as my executors shall think fit, with the advice of the vicar of Mildenhall, or the minister. Item: I will that my true and honest debts be paid by my executors, which I hope will not be much. Item: I give unto my son Edward Warner all my lands, tenements, and hereditaments in Mildenhall, during his life, without impeachment of waste, except such gifts as I shall hereafter make in this present will; and I will that it shall be lawful for him to make any other wife or wives that he shall happen to marry hereafter, a jointure of two hundred pounds yearly, if so be as the seite of the Manor of Thamhil, *alias* Warmell, nor the pastures and meadows about it, be no part of it; or that it shall be lawful for him to grant to any other wife or wives that he shall happen to marry, one annuity of two hundred pounds a year during any of their lives, in recompense of a jointure. Item: According to authority reserved by one indenture, bearing date the sixteenth day of January, in the thirteenth year of our Sovereign Lord King James, made between me, the said S^r Henry Warner, and the said Edward Warner, my son, of the one part, and S^r John Crafte, Knight, and Thomas Cotton, Esquire, of the other part, I do give, limit, and appoint the reversion of all and singular my lands, tenements, and hereditaments in the said indenture mentioned, and the use of the same after the decease of Edward Warner, my son; and also I give and bequeath, by this my last will, all other my lands, tenements, and hereditaments, in Mildenhall aforesaid, after the decease of my said son Edward, and such estates as I shall give to others by this my last will be determined, to Henry Warner, my grandchild, and to the heirs of his body lawfully begotten; and if he die without issue of his body, then to the next son of my son Edward Warner, lawfully begotten, and to the heirs of his body lawfully begotten; and if he die without issue, then to the third son of my son Edward Warner, lawfully begotten, and to the heirs of his body lawfully begotten; and for default of such issue to the fourth son of the said Edward, and to the heirs of his body lawfully begotten; and for default of such issue to Mary Warner, the eldest daughter of my son Edward Warner, and to the heirs of her body lawfully begotten; and for default of such issue I give all and singular the premises unto the daughters that my son Edward Warner shall have hereafter to be born, and to the heirs of their bodies lawfully begotten; and for default of such issue to the heirs of the body of my daughter Cotton, deceased, and my daughter Bacon, to be equally divided between them, and to their heirs for ever. Item: I give unto Symond Allen, if he be in my service at the time of my decease, one annuity or rent-charge of ten

pounds yearly, during his life, or fifty pounds in money, at the choice of the said Symond Allen, to be paid half yearly, from and after my death; and if the said annuity be unpaid by the space of one month in which it ought to be paid, being demanded at the seite of the Manor of Thamhill, and that he make choice thereof, that then it shall be lawful for the said Symond Allen and his assigns to enter and distrain into all the closes at the West Row, in Mildenhall; which I late purchased of Thomas Cotton, Esquire, by deed inrolled or otherwise, and before that of Thomas Pope, Gent., and before that the lands and pastures of William Pope, deceased, during his life, and there to distrain; and the distress so taken to lead, drive, and carry away, and impound, until the said annuity of ten pounds, or any part thereof, and the said ten shillings *nomine pene* be paid and satisfied. Item: I give to John Withers during his life my chief house, at the West Row, my malt-house there, with the yards and little pithill next the said house, and the orchard and the close next the barn, and the out-houses there, which I purchased of Thomas Cotton, Esquire, by deed inrolled or otherwise, except the dovehouse, and barn, and the houses, and grounds in the occupation of — Powle or his assigns, and free passage to and from and throughout the said close and yards, and to the said dovehouse, or other houses or grounds from the same, paying therefore yearly twenty shillings for and during his natural life, and keeping the said houses in good and sufficient reparations and leaving the brewing vessels, and other things that be mine in the said house, at the time of his death; or if he shall mislike of this, I give him in lieu thereof fifty pounds in money, if he shall serve me at the time of my death. Item: I will that the property of all my leases, stock of cattle, plate, household stuff, and all other my goods wheresoever, do remain in the hands of my executors, or the survivor of them, upon confidence and trust that they shall perform this my last will. Item: I will that my executors shall suffer my son Edward Warner to have the use and benefit of my said goods and leases during his life, upon these conditions following: that is, if the said Edward Warner, shall, after my decease, loose at play, at cards, dice, tables, or any other game or games, above the sum of twenty shillings in money, or other valuable considerations, in one day, or in the night of the same day, without fraud or deceit, and be proved and allowed by or before Sir Edward Coke, Knight, Lord Chief Justice of England, during his life, and after his decease by or before my executors, or the survivor of them, under his or their hand or hands, that then for the first time the said Edward Warner shall lose the benefit of my lease of the manor or pastures called Lambholm, in Mildenhall, which lease I had of Sr Edward Coke, Knight, Lord Chief Justice of England; and for the second time that he shall do the like, and so proved and allowed as aforesaid, the said Edward Warner shall lose the benefit of all my goods, leases, plate, and household stuff whatsoever; and that then the said goods, leases, plate, and household stuff shall remain to him or them that should have it by this my last will, as if the said Edward Warner were dead. Item: I will that where my executors can [they do] compound during

the life of my son, for such debts as my son oweth, according to their discretions, and pay the same out of the profits of my leases or goods. Item : I will that if my executors do suffer my son to have the use of any of my goods, which in time be consumed or wasted, as my coach and horses and corn, and such other things, that my executors shall not be compelled upon any trust to answer for it; and I will that my executors shall have allowed to them whatsoever charges they or any of them shall expend for any charges in law or other courts, for the obtaining of any goods which were mine at the time of my death, although they do not recover the same. Item : I will that my house be kept one month at Mildenhall after my decease; and I give to my servants there that shall then serve me, and not have any other benefit by this my will, half a year's wages over and above their wages due to them. And I will that if my son Edward Warner do die, or break the conditions aforesaid, that then my executors do assign my goods to such grandchild as I have assigned and given my lands, tenements, and hereditaments in Mildenhall, next after my son, being of the age of one and twenty years, to hold to him or her, and their assigns that shall happen to have it. And whereas Sr Edward Grevell doth owe unto me the sum of two hundred pounds, and consideration for it, about six years now passed over, and besides three bonds which I made unto Richard Roberts, Gent., without his privitie, upon confidence and trust, that if the possession of Mildenhall Grange, and the warren of Mildenhall, and other lands, were by order of his Majesty's Court of the Duchy ordered that I should be put out of possession of the same, or the most part of them, which order was made in the Duchy Court, and I was put out of possession, and that then accordingly, and gave notice thereof by my servant Symond Allen, my desire is that my executors do their endeavour to get the said two hundred pounds again of Sr Edward Grevell, and my three bonds made to Richard Roberts, upon confidence and trust; which said suit I have hitherto forborne at the request of Sr Thomas Parry, Knight, Chancellor of the Duchy, being my honorable good friend; and the said two hundred pounds, and the profits thereof, I do give unto my grandchild Henry Warner, for his maintenance; and if he die, then to Mary Warner, my grandchild, for her maintenance. And my mind and desire is, that my stock of cattle and corn be still kept at Flicham, so long as please my Lord Chief Justice to suffer my executors to have it, for the performance of this my will; and I think Edward Hall the fittest man to be bailiff there; and I will that so long as the said Edward Hall shall be bailiff there, and true servant to my son, or them that enjoy it by this my will, as I suppose he hath been to me, that he have three pounds a year more after my death than I gave him. Item : I give to my cousin Skinner, if she be dwelling with me at the time of my death, five pounds. Other of my friends I will remember at the time of my death, which I mind to put into a schedule, to be annexed to my will, which shall be as good effect as though it were in my will. And of this my last will I do make my very good friends and kinsmen, Sr John Craftes, Knight, and Thomas Athowe, Serjeant-at-Law, and my

executors ; and I give to every of them ten pounds, or a piece of plate to the value thereof. And I do earnestly intreat the Right Honorable Sr Edward Coke, Knight, Lord Chief Justice of England, to be supervisor of this my last will ; and that he will be a friend to my son, as he hath been to me ; and I do give him my great iron chest, in token of a poor remembrance. And in witness that this is my last will, I have set my hand to every leaf, and written it all with my own hand the first day of June, in the fourteenth year of our Sovereign Lord King James, 1616.—HENRY WARNER.

M^a that this was published to be the last will of Sr Henry Warner, Knight, the eighteenth day of July, in the fourteenth year of our Sovereign Lord King James, 1616 ; and written all with his own hand, in the presence of Leonard Mawe, John Blower, William Symonds.

Probatum apud London, 5 Julij, 1617.

Sir Henry Warner died on the 6th of May, in 1617, and was interred agreeably to his desire, by his first wife, in the chancel of Mildenhall church. His son Edward succeeded to the estate, which descended to his son Henry ; but how or when it passed away from the family is not known. The estate is now vested in Sir Henry Bunbury, Bart.

SAMUEL TYMMS.

NOTE

AS TO THE MAYOR OF SUDBURY'S LETTER IN 1577.

(Printed in p. 201.)

AMONG the documents relating to Sudbury, published in the last No. of these Proceedings, was a letter from the Mayor of Sudbury in 1577, which related to the forfeited goods of a felon there, and had been understood to have been addressed to the Abbot of Bury. In a note it was shown that it could not have been written to an Abbot of Bury, but all endeavours to discover to whom it was addressed had been unsuccessful. I have since found reason to believe the mayor's correspondent was Sir Nicholas Bacon (the father of the celebrated philosopher), who, being at that time Lord Keeper of the Great Seal, was on that account styled " your Lordship ". I had supposed that the franchise of the Liberty of Bury had continued in the Crown from the dissolution of the abbey till the time of James I. Some grant or grants, however, appear to have been made of it, and the title to it was for some time in dispute. In 2nd Edw. VI. Sir Thomas Darcy claimed the seven hundreds ; but in 2nd & 3rd Philip and Mary,